

AMENDED IN SENATE APRIL 12, 2011

SENATE BILL

No. 57

Introduced by Senator Runner

(Coauthors: Senators Anderson, Calderon, Harman, and Lieu)

(Coauthors: Assembly Members Knight and Smyth)

December 21, 2010

An act to ~~amend Sections 290.013 and 290.015 of~~ *add Section 290.0145 to* the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 57, as amended, Runner. Sex offenders: social networking ~~prohibition~~; *and* online address notification requirement.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender ~~offenders~~. Existing law sets forth the procedure for ~~doing so~~ *registering* and provides that a violation of the sex offender registration law is a crime, punishable as specified.

The bill would, *commencing January 1, 2013*, require a person who is required to register as a sex offender to ~~inform~~ *provide to* the law enforcement agency with which he or she last registered ~~of all of his or her online names, addresses, e-mail addresses, and instant messaging user names~~ *no later than December 31, 2012, and, thereafter, for all of his or her accounts on social networking Internet Web sites, as defined, at the time of original registration or any subsequent registration and within 30 days of establishing a new online name, address, or account, as specified*, and would make it a misdemeanor to fail to do so. This bill would permit information received pursuant to these provisions to be shared with ~~the Department of Justice and other local law~~

enforcement agencies, upon request. By creating *a new-crimes crime*, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 290.0145 is added to the Penal Code, to*
2 *read:*

3 290.0145. (a) *Commencing January 1, 2013, a person required*
4 *to register pursuant to the Act shall provide to the law enforcement*
5 *agency with which he or she last registered, or the law enforcement*
6 *agency with which he or she is otherwise required to register, all*
7 *of his or her online names and addresses, e-mail addresses, and*
8 *instant messaging user names for all of his or her social networking*
9 *Internet Web site accounts at the time of original registration or*
10 *any subsequent registration, and within 30 days of establishing a*
11 *new online name, address, or instant messaging user name or a*
12 *new social networking Internet Web site account. Information*
13 *received pursuant to this paragraph may, upon request, be shared*
14 *with other local law enforcement agencies.*

15 (b) *Notwithstanding Section 290.018, a violation of subdivision*
16 *(a) is a misdemeanor.*

17 (c) *For purposes of this section, a “social networking Internet*
18 *Web site is an Internet Web site that allows individuals, including*
19 *juveniles, to do all of the following:*

20 (1) *Communicate with acquaintances and strangers.*

21 (2) *Construct a public or semipublic profile within a bounded*
22 *system.*

23 (3) *Articulate a list of other users or members with whom they*
24 *share a connection.*

25 (4) *View and traverse their list of connections and those lists*
26 *made by others within the system.*

27 ~~SECTION 1. Section 290.013 of the Penal Code is amended~~
28 ~~to read:~~

1 ~~290.013.—(a) Any person who was last registered at a residencee~~
2 ~~address pursuant to the Act who changes his or her residencee~~
3 ~~address, whether within the jurisdiction in which he or she is~~
4 ~~currently registered or to a new jurisdiction inside or outside the~~
5 ~~state, shall, in person, within five working days of the move, inform~~
6 ~~the law enforcement agency or agencies with which he or she last~~
7 ~~registered of the move, the new address or transient location, if~~
8 ~~known, and any plans he or she has to return to California.~~

9 ~~(b) If the person does not know the new residencee address or~~
10 ~~location at the time of the move, the registrant shall, in person,~~
11 ~~within five working days of the move, inform the last registering~~
12 ~~agency or agencies that he or she is moving. The person shall later~~
13 ~~notify the last registering agency or agencies, in writing, sent by~~
14 ~~certified or registered mail, of the new address or location within~~
15 ~~five working days of moving into the new residencee address or~~
16 ~~location, whether temporary or permanent.~~

17 ~~(c) The law enforcement agency or agencies shall, within three~~
18 ~~working days after receipt of this information, forward a copy of~~
19 ~~the change of address information to the Department of Justice.~~
20 ~~The Department of Justice shall forward appropriate registration~~
21 ~~data to the law enforcement agency or agencies having local~~
22 ~~jurisdiction of the new place of residencee.~~

23 ~~(d) If the person's new address is in a Department of Corrections~~
24 ~~and Rehabilitation facility or state mental institution, an official~~
25 ~~of the place of incarceration, placement, or commitment shall,~~
26 ~~within 90 days of receipt of the person, forward the registrant's~~
27 ~~change of address information to the Department of Justice. The~~
28 ~~agency need not provide a physical address for the registrant but~~
29 ~~shall indicate that he or she is serving a period of incarceration or~~
30 ~~commitment in a facility under the agency's jurisdiction. This~~
31 ~~subdivision shall apply to persons received in a department facility~~
32 ~~or state mental institution on or after January 1, 1999. The~~
33 ~~Department of Justice shall forward the change of address~~
34 ~~information to the agency with which the person last registered.~~

35 ~~(e) A person required to register pursuant to the Act shall inform~~
36 ~~the law enforcement agency with which he or she last registered~~
37 ~~of all of his or her online addresses, e-mail addresses, and instant~~
38 ~~messaging user names no later than December 31, 2012, and~~
39 ~~thereafter, at the time of original registration and within 30 days~~
40 ~~of establishing a new online account. Information received pursuant~~

1 to this subdivision may, upon request, be shared with the
2 Department of Justice or other law enforcement agencies.

3 (f) Notwithstanding any other law, violation of subdivision (e)
4 shall constitute a misdemeanor punishable by imprisonment in a
5 county jail not exceeding six months, or by a fine not exceeding
6 one thousand dollars (\$1,000), or by both that imprisonment and
7 fine.

8 SEC. 2. Section 290.015 of the Penal Code is amended to read:

9 290.015. (a) A person who is subject to the Act shall register,
10 or reregister if the person has previously registered, upon release
11 from incarceration, placement, commitment, or release on probation
12 pursuant to subdivision (b) of Section 290. This section shall not
13 apply to a person who is incarcerated for less than 30 days if he
14 or she has registered as required by the Act, he or she returns after
15 incarceration to the last registered address, and the annual update
16 of registration that is required to occur within five working days
17 of his or her birthday, pursuant to subdivision (a) of Section
18 290.012, did not fall within that incarceration period. The
19 registration shall consist of all of the following:

20 (1) (A) A statement in writing signed by the person, giving
21 information as shall be required by the Department of Justice and
22 giving the name and address of the person's employer, and the
23 address of the person's place of employment if that is different
24 from the employer's main address.

25 (B) An acknowledgment that the person is required under
26 Section 290.013 to notify the law enforcement agency or agencies
27 with which he or she last registered of all of his or her online
28 addresses, e-mail addresses, and instant messaging user names no
29 later than December 31, 2012, and, thereafter, at the time of original
30 registration and within 30 days of establishing a new online
31 account.

32 (2) The fingerprints and a current photograph of the person
33 taken by the registering official.

34 (3) The license plate number of any vehicle owned by, regularly
35 driven by, or registered in the name of the person.

36 (4) Notice to the person that, in addition to the requirements of
37 the Act, he or she may have a duty to register in any other state
38 where he or she may relocate.

39 (5) Copies of adequate proof of residence, which shall be limited
40 to a California driver's license, California identification card, recent

1 ~~rent or utility receipt, printed personalized checks or other recent~~
2 ~~banking documents showing that person's name and address, or~~
3 ~~any other information that the registering official believes is~~
4 ~~reliable. If the person has no residence and no reasonable~~
5 ~~expectation of obtaining a residence in the foreseeable future, the~~
6 ~~person shall so advise the registering official and shall sign a~~
7 ~~statement provided by the registering official stating that fact.~~
8 ~~Upon presentation of proof of residence to the registering official~~
9 ~~or a signed statement that the person has no residence, the person~~
10 ~~shall be allowed to register. If the person claims that he or she has~~
11 ~~a residence but does not have any proof of residence, he or she~~
12 ~~shall be allowed to register but shall furnish proof of residence~~
13 ~~within 30 days of the date he or she is allowed to register.~~

14 ~~(b) Within three days thereafter, the registering law enforcement~~
15 ~~agency or agencies shall forward the statement, fingerprints,~~
16 ~~photograph, and vehicle license plate number, if any, to the~~
17 ~~Department of Justice.~~

18 ~~SEC. 3.~~

19 *SEC. 2.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.